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CRECHES BY-LAW, 2012

By-law No. 11, 2012

BY-LAW

To provide for the establishment of creches in the //Khara Hais municipality; and for matters connected therewith

BE IT ENACTED by the //Khara Hais municipality, as follows:-

Definitions

1. In this by-law, unless the context otherwise indicates -

"**child**" means a child admitted to a creche in terms of this by-law;

"**Council**" means the municipal Council of //Khara Hais and includes any committee or employee of the Council exercising powers or performing duties or functions delegated to it or such employee by the Council;

"**creche**" means any building or premises maintained or used for the custody and care of children of pre-school going age during the whole or part of the day, on all or only some days of the week and which has been registered as a place of care under the Children's Act, 1960 (Act 33 of 1960);

"**Manager:** Environmental Services" means the Manager: Environmental Services of the Council or any official authorized to act on the Head's behalf, and

"**place of care**" means any building or premises maintained or used, whether for profit or otherwise, for the reception, protection and temporary or partial care of children away from their parents, but does not include any boarding school, hostel or any establishment which is maintained for the tuition or training of children and which is controlled or has been registered or approved by the Department of Social Service & Population Development.

SCOPE OF BY-LAW

2. This by-law shall apply to all creches.

SPECIFIC REQUIREMENTS IN RESPECT OF BUILDINGS FOR CHILDREN AGED THREE YEARS AND OVER BUT UNDER SCHOOL-GOING AGE FOR ALL-DAY CARE

3. The following minimum accommodation and facilities shall be provided in respect of creches admitting for all-day care children aged three years and over but under school-going age:

(a) An office.

(b) A staff room; provided that one room may, subject to the approval of the Manager: Environmental Services, be used as an office and staff room combined.

(c) An isolation room equipped with a first-aid cupboard and equipment and a bed or stretcher.

(d) A playroom for play activities, for the serving of meals and for sleeping purposes, with a minimum free-playing area of 3 m² per child.

(e) A kitchen or facility where food are handled or prepared must comply with the regulations relating to the control of General Hygienic requirements for premises where food are prepared or handled and the transport of food, as published in Government Gazette Nr. 918 of 30 July 1999 complying with the following requirements:

(f) Sanitary and ablution facilities for the staff complying with the following requirements:

(i) Sanitary and ablutions facilities for the staff shall be entirely separate from such facilities provided for the children, and shall have no direct communication with any apartment used in connection with the children.

(ii) There shall be provided one toilet and one wash-hand basin for every fifteen persons or part of fifteen persons.

(iii) A constant supply of water shall be provided to each wash-hand basin.

(g) An outdoor play area of not less than 5.5 m² per child shall be provided. This area shall provide for grassy areas and shade and for hard surfaces for wheel-toys. It shall be free of excavations and dangerous steps or levels.

SPECIFIC REQUIREMENTS IN RESPECT OF BUILDINGS FOR CHILDREN UNDER THREE YEARS OF AGE

4. The following minimum accommodation and relevant services shall be provided for the accommodation of children under three years of age:

(a) A staff room in terms of section 3(b).

(b) An isolation room equipped with a first-aid cupboard and equipment and a cot or stretcher.

(c) A nursery which shall provide 3.5 m² indoor area per child. A wash-hand

basin shall be provided in each nursery.

(d) A milk kitchen which shall comprise -

(i) a receiving compartment for sterilizing bottles, fitted with a stainless steel sink, sterilizing unit and a wash-hand basin, and

(ii) a preparation compartment separate from the receiving compartment, fitted with a refrigeration unit, stove and wash-hand basin.

(e) A kitchen in accordance with section 3(e).

(f) Storage space for bedding and linen.

(g) Storage space for perambulators.

(h) Storage space for the personal belongings of children.

(i) Sanitary and ablution facilities for children, complying with the following requirements:

(i) A sluice room, equipped with sluice sink, which is fitted with a splash screen.

(ii) A bathing unit with two baby bathing units for every twenty children. The flow of water shall be supplied to bathing units by side inlets or moveable overhead fittings, and the temperature of the water shall be regulated.

(iii) For children not using diapers, toilet equipment shall be supplied.

(iv) Diapers by means of -

(a) a recognized diaper service, in which case provision shall be made for separate storage facilities for clean and soiled diapers.

(v) A sufficient number of impervious bins with covers for the temporary storage of soiled paper, tissues, paper towels and other articles pending disposal.

(j) Storage space for indoor and outdoor play materials and equipment.

(k) The minimum outdoor area of 3 m^2 per child shall be provided for the use of perambulators and playpens and outdoor activities for the toddler group. This area shall provide for lawns and shade. It shall be free of excavations and dangerous steps or surfaces.

(l) There shall be one staff member for every eight children under the age of two years.

GENERAL REQUIREMENTS RELATING TO BUILDINGS

5.1 All buildings for creches shall comply with the following requirements:

(a) The buildings shall be constructed of such material and in such a manner as to comply with the National Building Regulations and any other relevant by-law of the Council.

(b) Windows in play rooms, offices and isolation rooms shall be not more than 750 mm from the ground level and shall especially constructed so as not to open at a level dangerous to children.

(c) All rooms shall have ceilings.

EQUIPMENT

6. Equipment for children in creches shall comply with the following requirements:

(a) Chairs shall be so light that they can be lifted by the child, and shall be of such a height as to permit the child to sit thereon with both feet on the floor.

(b) All beds, cots, stretchers, mats or other furniture for resting or sleeping shall be suitable for use by the children. Each such piece of furniture shall be used by only one child whose name or symbol shall be clearly affixed thereto.

(c) Indoor and outdoor playing equipment shall be provided and such equipment shall be of such nature that it will not be possible for a child to injure him-/herself or cause any injury to others.

PERSONAL TOILET ARTICLES

7. 7.1 Provision shall be made in the ablution block or in an adjacent room by means of hooks, lockers or other means approved by the Head: Environmental Services for the separate storage of the personal toilet articles of each child in a creche.

7.2 Personal toilet articles shall be available.

7.3 Provision shall be made for the boiling, washing or disinfecting of children's toilet equipment.

SAFETY MEASURES

8. The following measures shall be taken by the holder of a creche for the safety of the children therein:

(a) Adequate measures shall be taken for the protection of the children against fires, hot water installations, electrical fittings and appliances, heating appliances and any other article or thing which may be dangerous or cause injury to any child.

(b) Any slats or rails used in enclosures, playpens, beds, cots or for any other purpose whatsoever shall be not more than 75 mm apart and shall be firmly fixed and free from splinters or other rough or dangerous surfaces.

(c) The premises shall be entirely enclosed by means of a suitable fence, wall or other means so constructed as to preclude children completely from leaving the confines of the premises of their own accord and prevent the entrance of domestic animals. All gates or doors in such boundaries shall be close-fitting and securely locked or otherwise closed so as to prevent children from opening them.

(d) A first-aid box with the necessary materials and equipment to the satisfaction of the Head: Environmental Services shall be provided and shall be readily available for use and kept out of the children's reach at all times.

(e) All medicines and, corrosive or other harmful substances shall be stored in a safe manner and shall not be accessible to children.

(f) No noxious or poisonous plant or shrub shall be permitted on the premises.

(g) No person suffering from any infectious or communicable disease, and no person who has been in contact with any person so suffering and who has not cleansed his/her person and clothing so effectively as render him/her incapable of spreading such disease, and no person whose body is not in a clean and healthy condition shall be allowed on the premises of a creche.

DUTIES OF THE HOLDER

9. Every holder of a creche shall -

(a) maintain every part of the creche, including outdoor areas and all things belonging thereto, at all times in good repair and in a tidy condition and free from dirt, filth or other noxious matters or things;

(b) keep all cutlery, crockery, utensils, vessels, containers, receptacles, appliances and equipment used for the storage, preparation and serving of foodstuffs in a clean and sanitary condition and free from any defect;

(c) provide and maintain efficient measures for the prevention and destruction of flies, cockroaches, rodents and other vermin in such creche;

(d) provide and maintain at all times suitable means for protecting all foodstuffs from contamination by dust, dirt, flies or any other cause;

(e) provide at all times an adequate supply of soap, clean towels and nailbrushes at wash-hand basins;

(f) ensure that all persons engaged in the creche are clean in person and clothing at all times;

(g) provide sound and clean overalls or coats of washable material for the persons engaged in the handling, preparation and serving of food, and ensure that such overalls or coats are worn at all such times;

(h) provide adequate storage space for toys, books and other indoor and outdoor play materials and ensure that such storage space shall be within easy reach of children from floor level;

(i) ensure that the children are at all times under the direct supervision of at least one adult;

(j) ensure that each child uses his/her own personal toilet articles;

(k) keep a record of menus of all meals, which shall be open to inspection at all times;

(l) ensure that no person suffering from a contagious disease or with a festering abscess on his/her body which can be spread, use any crockery, cutlery, implements or equipment or any thing which is used for the handling of food or allow such a person to be present in any area or facility where food is handled.

REGISTERS

10. 10.1 The holder shall keep an admission and discharge register of all the children admitted and discharged from the creche.

10.2 The holder shall keep a record of attendance in which the presence of children at a creche shall be noted daily.

MEDICAL REPORT

11. A medical report containing the following data shall be obtained in respect of each child and kept by the holder:

(a) Information concerning the child's general state of health.

(b) Children's ailments and other communicable diseases from which the child has suffered and the dates on which such child had them.

(c) Details of immunization against smallpox, polio myelitis, tetanus, measles, whooping cough, diphtheria and tuberculosis.

(d) Possible allergies and diseases such as epilepsy.

JOURNAL

12.1 A journal shall be kept by the holder in which important and outstanding events such as accidents requiring hospitalization are noted in respect of each child.

12.2 Notwithstanding the preceding provisions of this by-law, the Council retains the right in certain special cases to waive such provisions.

APPLICATION

13.1 This by-law shall apply to creches where more than ten children are cared for. The following shall be applicable where ten or less children are cared for:

13.2 The building, sanitary facilities, outdoor and indoor play facilities, safety measures, first-aid facilities, registers, cutlery and crockery, cooking, washing and refrigeration facilities, and other facilities shall be subject to the prior approval of the Council.

OFFENCES AND PENALTIES

14. Any person contravening the provisions of this by-law shall be guilty of an offence and upon conviction liable to a fine or imprisonment for a period not exceeding six months, or to both such fine and such imprisonment.

SHORT TITLE AND DATE OF COMMENCEMENT

15. This By-Law shall be called the By-Law relating to Creches, 2012.